

Kerala Gazette No. 51 dated 27th December 2011.

PART II



SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 6478/Legn. 3/2011/Leg. *Dated, Thiruvananthapuram, 27th December 2011.*

The University Laws (Amendment) Bill, 2011 together with the Statement of Object and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

P. D. RAJAN,
Secretary,
Legislative Assembly.

Thirteenth Kerala Legislative Assembly
Bill No. 66

THE UNIVERSITY LAWS (AMENDMENT)
BILL, 2011

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BILL

further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985 and the Kannur University Act, 1996.

Preamble.—WHEREAS, it is expedient further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985 and the Kannur University Act, 1996 for the purposes hereinafter appearing;

BE it enacted in the Sixty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2011.

(2) It shall come in to force at once.

2. *Amendment of Act 17 of 1974.*—In section 60 of the Kerala University Act, 1974 (17 of 1974),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7), the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency

under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

3. *Amendment of Act 5 of 1975.*—In Section 60 of the Calicut University Act, 1975 (5 of 1975),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7) the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from the Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

4. *Amendment of Act 12 of 1985.*—In Section 63 of the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7), the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

5. *Amendment of Act 22 of 1996.*—In Section 66 of the Kannur University Act, 1996 (22 of 1996),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7), the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

STATEMENT OF OBJECTS AND REASONS

The Hon’ble High Court of Kerala, while considering the C. R. P. No. 246/2009, expressed an opinion that necessary amendments is to be incorporated in the University Laws to the effect that the State should be made as a party and to be heard in all the matters before the University Appellate Tribunal, similar to the relevant provisions of Section 103 of the Land Reforms Act, 1963. Another opinion expressed by the Hon’ble High Court is to incorporate provisions enabling the State to recover the amount paid to the reinstated teacher towards the back wages, from the Management of the college. Accordingly, the Government have decided to incorporate the above said provisions in the University Laws in the interest of the State.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, when enacted and brought into operation would not involve expenditure from the Consolidated Fund of the State.

P. K. ABDU RABB